

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670  
Chapter 11

**MOTION FOR EMERGENCY HEARING AND SHORTENED OBJECTION PERIOD  
WITH RESPECT TO CHAPTER 11 TRUSTEE'S MOTION FOR ORDER  
APPROVING COMPROMISE AND SETTLEMENT WITH  
GREAT AMERICAN INSURANCE COMPANY AND CERTAIN INSUREDS**

Robert J. Keach, the chapter 11 trustee in the above-captioned case (the "Trustee"), hereby moves this Court, pursuant to Rule 9013-1(j) of the Local Rules of this Court (the "Local Rules"), for an expedited hearing and shortened objection period (the "Emergency Motion") with respect to the *Chapter 11 Trustee's Motion for Order Approving Compromise and Settlement with Great American Insurance Company and Certain Insureds* (the "Motion"),<sup>1</sup> filed substantially contemporaneously herewith. In support of the Emergency Motion, the Trustee states as follows:

**JURISDICTION AND VENUE**

1. The United States District Court for the District of Maine (the "District Court") has original, but not exclusive, jurisdiction over the Debtor's chapter 11 case pursuant to 28 U.S.C. § 1334(b). Pursuant to 28 U.S.C. § 157 and Rule 83.6 of the District Court's local rules, the District Court has authority to refer and has referred this proceeding to this Court.

2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and the Court has constitutional authority to enter final judgment in this proceeding.

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

3. Venue for this chapter 11 case is proper in this district pursuant to 28 U.S.C. § 1408, and venue for this proceeding is proper in this district pursuant to 28 U.S.C. § 1409.

4. The relief sought herein is requested pursuant to Rule 9013 of the Federal Rules of Bankruptcy Procedure and Local Rule 9013-1(j).

### **BACKGROUND**

5. On August 7, 2013, the Debtor filed a voluntary petition for relief commencing a case (the “Case”) under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Maine (the “Court”). Simultaneously, the Debtor’s wholly owned subsidiary, Montreal Maine & Atlantic Canada Co. (“MMA Canada”), filed for protection under Canada’s Companies’ Creditors Arrangement Act (Court File No. 450-11-000167-134, the “Canadian Case”). On August 21, 2013, the Office of the United States Trustee (the “U.S. Trustee”) appointed the Trustee to serve as trustee in the Debtor’s Case pursuant to 11 U.S.C. § 1163 [D.E. No. 64].

6. On July 15, 2015, the Trustee filed the *Trustee’s Revised First Amended Plan of Liquidation Dated July 15, 2015* [D.E. 1534] (as may be amended, the “Plan”).

### **RELIEF REQUESTED**

7. By this Emergency Motion, the Trustee requests that the Court: (a) schedule a hearing on the Motion for **October 9, 2015 at 8:30 a.m.**; (b) set a shortened objection deadline for **October 9, 2015 at 8:30 a.m.**; and (c) approve service of the Emergency Motion and the Motion in the manner set forth herein.

### **BASIS FOR REQUESTED RELIEF**

8. Absent a request for an emergency hearing, a movant seeking the type of relief set forth in the Motion must provide twenty-one days’ notice of, and a response date must be set

more than seven calendar days prior to, a final hearing date. *See* Fed. R. Bankr. P. 2002(a)(3); Local Rule 9013-1(d)(5).

9. The Court has already scheduled a hearing for October 9, 2015 at 8:30 a.m. with respect to confirmation of the Plan.

10. The Trustee requests that a hearing on the Motion be scheduled for the same date and time to allow expedited consideration of the relief sought by the Trustee while minimizing cost and inconvenience to interested parties who might already be in attendance on that date. In addition, it is necessary to consider the Motion together with, indeed prior to, confirmation of the Plan because, if the Motion is granted, (a) the GA Payment will augment the Trustee's settlement fund distributable under the Plan and (b) GA would become a Released Party under the Plan. Such relief would not be available to GA after confirmation, and thus a critical element of consideration for the settlement would be lost.

### **NOTICE**

11. Notice of this motion was served on the following parties on the date and in the manner set forth in the certificate of service: a) the Debtor; (b) the Debtor's counsel; (c) the United States Trustee; (d) the Official Committee of Victims appointed in the Case; (e) applicable federal and state taxing authorities; (f) the holders of secured claims against the Debtor, or if applicable, the lawyers representing such holders; (g) counsel to CP; and (h) others who have, as of the date of the Motion, entered an appearance and requested service of papers in the Case. In light of the nature of the relief requested in the Emergency Motion and Motion, the Trustee requests that the Court approve notice to, and service of the Motion on, the parties set forth above as adequate and sufficient notice under the circumstances.

**CONCLUSION**

**WHEREFORE**, the Trustee respectfully requests that this Court enter an Order: (a) finding that service of the Emergency Motion and the Motion in the manner described herein was sufficient to all parties in interest under the circumstances of this case; (b) granting the Emergency Motion; (c) setting a hearing on the Motion for **October 9, 2015 at 8:30 a.m.** and a shortened objection deadline for **October 9, 2015 at 8:30 a.m.**; and (d) granting such other and further relief as the Court deems just and equitable under the circumstances.

Dated: October 8, 2015

**ROBERT J. KEACH  
CHAPTER 11 TRUSTEE OF MONTREAL  
MAINE & ATLANTIC RAILWAY, LTD.**

By his attorneys:

*/s/ Lindsay K. Zahradka* \_\_\_\_\_

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

In re:

MONTREAL MAINE & ATLANTIC  
RAILWAY, LTD.

Debtor.

Bk. No. 13-10670

Chapter 11

**ORDER SCHEDULING EMERGENCY HEARING AND APPROVING  
SHORTENED OBJECTION PERIOD WITH RESPECT TO MOTION  
FOR ORDER APPROVING COMPROMISE AND SETTLEMENT WITH  
GREAT AMERICAN INSURANCE COMPANY AND CERTAIN INSUREDS**

This matter came before this Court on the *Motion for Emergency Hearing and Shortened Objection Period with Respect to Chapter 11 Trustee's Motion for Order Approving Compromise and Settlement with Great American Insurance Company and Certain Insureds* (the "Emergency Motion")<sup>1</sup> after such notice and opportunity for hearing as is consistent with the Bankruptcy Code and the Bankruptcy Rules; and the Court having jurisdiction to consider the Emergency Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Emergency Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Emergency Motion having been provided; and it appearing that no other notice need be given; and a hearing having been held on the Emergency Motion; and the Court having found and determined that the relief sought in the Emergency Motion is in the best interests of the Debtor, its estate and creditors, and all parties in interest and that the legal and factual bases set forth in the Emergency Motion establish just

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<sup>1</sup> Capitalized terms used, but not defined in this Order, have the meanings ascribed to such terms in the Motion.

cause for the relief granted herein; and after due deliberation, and sufficient cause appearing therefore, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that:

1. The Emergency Motion is granted.
2. Notice and service of the Emergency Motion was sufficient in light of the circumstances and the nature of the relief requested.
3. An emergency hearing on the Motion shall be held on October 9, 2015 at 8:30 a.m. and the deadline to object to the Motion shall be October 9, 2015 at 8:30 a.m.
4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: \_\_\_\_\_, 2015

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**The Honorable Peter G. Cary**  
**Chief Judge, United States Bankruptcy Court**  
**District of Maine**